

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

SIGNATURE MANAGEMENT
TEAM, LLC,

Plaintiff,

v.

JOHN DOE,

Defendant.

Case No.: 4:13 - 14005
Honorable Judith E. Levy

**DECLARATION OF DOE
IN SUPPORT OF
DOE'S MOTION FOR SUMMARY JUDGMENT**

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Attorneys for Defendant

I, _____ [name redacted], declare as follows:

1. I am Defendant Doe, the person who anonymously publishes the blog titled “Amthrax” (“Blog”).

2. I have declined to identify other blogs with that I operate because such information would tend to disclose my identity. None of these other blogs has anything to do with TEAM or the MLM industry in any way.

3. I have declined to identify my employer and address for the same reason. In negotiating over the taking of my deposition, I indicated that I would be willing to appear wearing a disguise. This is not because I am a person that TEAM would immediately recognize, but because I am concerned that facial recognition technology has reached a level of sophistication that one might be able to use it to identify me.

4. My employer is not an MLM company (nor is it in the business of providing uplifting spiritual or self-help materials, nor juices, nor herbal products) and by no stretch of the imagination can it now or at any time have been considered to be a competitor of TEAM. My employer does not in any way whatsoever benefit from the Blog. Until I was sued in this lawsuit my employer was utterly unaware of the fact that I operate the Blog and even now has only a vague awareness that I have been blogging about MLM issues, without specifically being aware of which blog.

5. I myself derive no financial benefit, directly or indirectly from the Blog. As I openly discuss on the Blog, I was once an Amway distributor; but that was many years before I started the Blog. Since that time I have had absolutely no affiliation, financial or otherwise, with any MLM company. On the contrary, I am somewhat embarrassed personally that I ever believed that I or anyone might be able to achieve financial security through MLM schemes. I began the Blog to urge other consumers to be more critical in thinking about MLM “opportunities.” The Blog is highly critical of the MLM industry generally, and Amway (Quixtar) in particular, hence the mocking name “Amthrax.”

6. I responded truthfully to discovery requests for communications with anyone “affiliated in any manner with” Amway or IBOAI “that pertain in any manner to the Book,” or “to this action” that “there are no such documents.” (RFP 6 and 7) I declined, however, to produce all communications with persons “affiliated in any manner with” Amway or IBOAI “that pertain in any manner to Plaintiff, or its owners, managers or members,” because I have in fact had some communications with persons that I believe fit that definition -- but which do not in any way pertain to the book or to this action. (RFP 5). The persons in question are not “leaders” of Amway or IBOAI or in any way high level persons or persons “representing” Amway or IBOAI (see RFP 5). I declined to produce these communications because I consider these persons to be confidential sources.

Many people contact me confidentially through the Amthrax Blog to offer me information, ideas, perspectives and so forth. Unless they have expressly forwarded the information to me as part of a comment they expect me to post on my blog, it is my policy to treat all such communications as confidential. It is my policy not to disclose or publish their names, or even their pseudonyms, without obtaining their express permission to do so.

7. I know from my experience with Amway that it is vitally important to MLM companies to prevent their network of distributors, and anyone they hope to recruit into the network, from reading criticisms of the company or of MLM schemes generally. Such critics are labelled “naysayers,” and as an Amway distributor I was constantly cautioned not to pay any attention to such naysayers.

8. As an anti-MLM blogger obviously I am considered a naysayer, and great efforts have been put into rebutting my criticisms. Thus at the time of the DMCA proceedings in the Northern District of California, there was an anonymous blogger devoted to countering my criticisms. The blog was entitled “Amthrax-Amway-Review” because it was premised on the notion that any “naysayer” such as myself must be in cahoots with TEAM’s archenemy Amway.

9. As I brought to the attention of the Court in the DMCA proceeding, the anonymous author of that site appeared to have advance knowledge that the DMCA subpoena was being filed and believed that TEAM was about to learn my

identity. I attach as Exhibits A and B true and correct copies of the pages from that website at issue (which were filed in the Northern District of California proceedings as well.)

10. On February 16, 2013, commenting on the ongoing defamation litigation against Raquel Peters arising from, among other things, her comments on the Amthrax Blog, the counter-blogger commented:

The Peters are reportedly being sued by Eric Blomdahl. Peters are requesting donations for their legal defense. ***AMTHRAX and his handful of naysayers better help Raquel win, otherwise the stage may be set for their day in court as well.***

Exhibit A (emphasis added).

11. On February 28, 2013 a few days after I removed the PDF copy of the Fourth Edition, the “Amthrax Amway” noted that the PDF had been removed, and crowed:

I predict it is only a matter of time before the world gets to know AMTHRAX by name and many, if not all, of the identities of the vicious handful of resident mudslinging naysayers who oftentimes are very accusatory and easily keep AMTHRAX busy warning them to stop their name-calling while he tries to keep up with editing out their vulgarities. And they wonder why polite reasonable thinking people don’t comment more than once or twice on the AMTHRAX site. I can assure you that no one in the LIFE business really misses people with such character traits.

Exhibit B (emphasis added).

12. At some point after the DMCA proceedings the Amthrax-Amway blog disappeared. Another blog, “LIFE/TEAM Truth” at

<http://lifeteamtruth.wordpress.com> has taken its place, and is devoted to countering my blog, Ms. Peters blog, and others.

13. I believe that if TEAM or its adherents learned my identity, I and my family would be subject to endless harassment and threats from MLM adherents. That is exactly what has happened to my colleague Brian MacFarland once his identity was disclosed. What happened to Mr. MacFarland does not surprise me. I believe that many MLM distributors are in desperate financial straits and regard the MLM scheme to which they have fallen prey as their last hope of obtaining financial security. I believe they are encouraged by the cult-like atmosphere of MLM companies to believe that “naysayers” are evil and preventing them from accomplishing their financial goals, i.e. by making it harder for them to recruit new distributors who will recruit more distributors, etc. I believe this explains the virulence of the harassment and threats against Mr. MacFarland (see his declaration), and I have no reason to believe that my own experience would be any different if my identity were disclosed. I believe that such a result would chill not only my own criticisms of MLM companies (indeed I have reduced my blogging substantially pending this lawsuit), but would discourage others from blogging about their own experiences with MLM companies. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

_____ [signature redacted]

Executed on April 16 2015, at _____[place redacted].

*I attest that I have on file a copy of the original signed version of this Declaration.
I have redacted identifying information herein to avoid prejudice to the First
Amendment right of the Declarant to anonymity.*

Dated: April 17, 2015

_____\s_____

Joshua Koltun

Attorney for Defendant Doe

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2015 I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing electronically to all counsel of record.

Executed on April 17, 2015, 2015, at San Francisco, California.

/s/Joshua Koltun

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